

**Criminal Justice Collaborating Council  
Alcohol Treatment Court Subcommittee  
Wednesday, November 5, 2008**

Judge Foster called the meeting to order at 12:18 p.m.

**Subcommittee Members Present:** Judge Kathryn Foster (Chair), Dan Fay, Mike DeMares, Melissa Emberts, Diane Kelsner, Ray Cunneen, Lindsay Desormier, Kristy Gusse, Rebecca Luczaj, Judge Lee Dreyfus.

**Also Present:** Dick Manke, Katy Adelmeyer, Sara Carpenter, Students from Carroll College and Professor Richard Feyrer

**Introduce New WCS ATC Case Manager, Katy Adelmeyer**

Adelmeyer told the committee about her education and work background.

**ATC Program Update**

Gusse said the program is almost at capacity with a caseload of 49. Five applications are in review. One hundred eighteen people have participated in the program which includes 54 graduates, 8,159 saved jail days, 1,400 face-to-face contacts, 900 court sessions and 6K self help meetings. Fifteen people have been discharged from the program for a variety of reasons most voluntarily. A few participants will be ready for graduation in December, January or February.

Dreyfus said three participants will be discharged very soon so there may be some openings shortly. Gusse said two participants are non-compliant and need to be discharged. One of these participants has been gone for more than a month.

**Review of Current Sanctions & Incentives**

Carpenter said WCS wants to evaluate how the ATC uses SCRAM because WCS staff does not feel it is being used effectively as a treatment tool. Random alcohol tests have been used to determine whether or not people are drinking but that isn't a reliable system. SCRAM provides an accurate picture of how clients are doing in the program and allows them to get the support they need to maintain sobriety. WCS would like to set up a meeting with the judges and team members to discuss more effective uses of SCRAM and present ideas to increase the use of SCRAM.

Carpenter said SCRAM is used in ATC for 15 days rather than the national average of 45 to 90 days. SCRAM would be more effective if it were used as a tool for a minimum of 45 days promoting long term sobriety rather than as a sanction for ATC days.

Cunneen asked where did the standard of 15 days come from? Foster said since the inception of the program, it was debated whether to use the program as a monitoring or therapeutic component. It is a philosophical decision. ATC uses SCRAM for monitoring, not for treatment. It is used as an alternative for jail if participants are suspected of drinking. The program handbook allows SCRAM to be used for monitoring. Carpenter said the philosophy would remain the same.

Kelsner said there will be increased failure rates, discharges and costs if SCRAM is used for longer periods of time. Carpenter said costs will increase but the change will make the program more effective. Participants will be required to pay upfront.

DeMares agreed that the longer the program, the more failures. Longer SCRAM use will create a chain of events with clients needing a higher level of treatment. What are the treatment expectations? What

happens if clients fail? How will WCS increase the level of treatment associated with longer SCRAM use?

Fay said at first glance he agrees with additional monitoring. Why will people want to go on SCRAM for 45 to 90 days when they can go back to jail, get released on electronic monitoring and get credit for work? To some extent it is a global problem with this population. How do we motivate them to take care of all their responsibilities? Long term, it will work for the first batch of people in the program until word gets out. There needs to be coordination so we're not fighting ourselves. Kelsner said there are many things that need to be thought through.

Cuneen said inmates at Huber play the game of how can they get out as quickly as possible. The people who want out as quickly as possible aren't going to succeed in the program. They're playing the game to get out fast. He questions how valuable 15 days are toward sobriety.

Carpenter said she would supply Luczaj with long term, best practices for SCRAM. .

DeMares said he wouldn't suggest getting rid of SCRAM completely because it gives the program a sense of community responsibility. SCRAM was instituted to give comfort to decision makers for letting people out of jail.

Carpenter said WCS like to increase program requirements to 90 contacts in 90 days including three support meetings per week to help deal with the hardships of dependency. It is important to have a high level of support during the first 90 days of the program. The contacts would serve to build supportive networks through meetings with case managers, sponsors, support groups, court, etc.

Foster asked what are the national ATC recommendations? Ninety contacts in 90 days would be a therapeutic philosophy. Support group meeting attendance shouldn't be used as a sanction in a therapeutic model. Carpenter said treatment court is an intensive model. A model with 90 contacts during the first 90 days is good for those who lack support in their lives.

Fay said lawyers hand out logs to clients that are later included in sentencing memos. The demographics in Waukesha County are different. There is a group that is poor, has no support and is dysfunctional. Sixty percent of the OWI population in this county comes from intact households making \$50 to \$60K per year or more. There needs to be a program that works for both groups.

Carpenter said WCS needs to change how SCRAM payments are collected from clients. WCS has a deficit of \$10K from ATC because 15 noncompliant, discharged participants have not paid their balances. It is difficult to enforce collections once participants are discharged. Participants need to pay their balances in full in order to graduate. WCS worked with Waukesha County Collections to try to increase the collection rate but there has yet to be a positive response. WCS would like the policy changed so participants could not be discharged from the program until their SCRAM balances are paid in full.

Carpenter said WCS is requiring a \$50 SCRAM installation fee across the agency and has started to collect two weeks of fees up front. WCS works with those who can't pay the fees to perhaps wave the installation fee or reduce the daily fee.

Dreyfus asked is there any reason the courts can't fold the money owed by participants into their outstanding fines and court costs? Kelsner said she was not sure if that could be done. There are some tools available such as tax intercepts, skip tracing, reminder letters, file liens, etc. Foster suggested checking with Corporation Counsel.

Fay said you can't make the remedy into a criminal penalty. People can't be put in jail for not paying civil bills. He suggested having participants pay for SCRAM up front. Dreyfus said they could agree to upfront payment. Fay says he collects money from this population every day by asking for the money up front. WCS should make it a matter of policy that clients can't use SCRAM until they pay for it. People will come up with the money to avoid spending time in jail.

#### **ATC Budget Update (Current & Enhancement Grant) 2008-2009**

Foster said the County Board will address the county's budget including CJCC funding on November 12.

Luczaj said the program received approval to carryover 2008 ATC grant funds to 2009. Staff also received notice that Waukesha County will not receive an Enhancement Grant. Luczaj expects to receive a letter shortly explaining why Waukesha County did not get the award.

#### **Discuss Program Eligibility for 4<sup>th</sup> OWI Offenders**

This item was not discussed.

#### **NADCP Conference June 10-13, 2009**

Luczaj distributed conference handouts and commented that registration is not open yet.

#### **Open Discussion**

Luczaj said the WI Association of Treatment Court Professionals Annual Conference will be held February 5 -6, 2009 at the Marriot Westin Waukesha. Waukesha County was selected to host the conference because of its drug court. On February 5, 25 to 50 conference attendees will observe Waukesha County's Alcohol Treatment Court in action. Luczaj distributed a handout identifying planning needs for the event.

#### **Future Agenda Items**

- Alcohol Treatment Courthandbook updates: incentives and sanctions.

Committee members should forward future agenda ideas to Luczaj.

#### **Future Meeting Date**

- January 7<sup>th</sup> – 12:15 pm
- November 17 – 21, Matt Hiller, Temple University evaluator of the ATC, will be in Waukesha County to conduct a focus group comprised of staff involved with ATC.

The meeting adjourned at 1:51 p.m.